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GOVERNMENT DOCUMENTS

CIPAL

L PLANNED DEVELOPMENT
DISTRICT, TO BE
APPENDED TO ZONING
BYLAW 6593



OFFICE OF
CITY PLANNING DEPARTMENT
CITY HALL
HAMILTON, CANADA

TECHNICAL REPORT

Subject

Policies relating to control of development in areas covered by Official Plan Amendments that vary from the existing use or zoning.

Problem

Where an Official Plan Amendment is prepared and adopted, - but because of the present policy of not rezoning lands for the designated purpose unless applied for by the owners or developers when the need or services are imminent, - the Zoning By-law does not always comply with the Official Plan. However, an applicant can acquire a building permit as long as the development complies with the existing zoning by-laws, building by-laws, etc. Although the intent of the possible future development for a particular land is established by means of designations, a building permit cannot be refused on such grounds and the community could be confronted with the proposed erection of some new building or use of land which threatens its orderly development. In order to be effective in achieving the intended purpose of planning, some form of policies and/or legislation should be established to control development under such circumstances.

Conclusion

In the opinion of the Department, the importance of zoning by-laws lies not in the relationship that it bears to the future, but rather in its relationship to present conditions. Zoning of land, far in advance of its actual development, may therefore be detrimental to the environment, land use and land values within the community. On the other hand, if the area is not rezoned, an existing use could be expanded or renewed and the same may be detrimental to the implementation of the plan.

It is therefore recommended that:

1. A "Planned Development District" be established on all Official Plan Amendment areas for orderly implementation of the adopted plan.
2. Such a District shall be sufficiently flexible as opposed to the conventional zoning to avoid any adverse effects on properties to which it is applicable at the same time ensuring the progressive implementation of the plan.

Planned Development District

1. Purpose

It is the purpose of this section to provide a method which will facilitate the development to take place in accordance with the adopted Official Plan. The new category shall allow flexibility of design and development not presently afforded in the traditional zoning categories.

2. General Provisions

No building or structure shall be erected, altered, extended or enlarged, nor shall any land, building or structure be used in this district for any purpose not in conformity with the following requirements.

- (a) The new District shall envelope all complimentary conventional zoning categories and development or redevelopment of properties in these areas shall be subject to an application for an appropriate conventional zoning category pursuant to Section 30 of the Planning Act, except where the existing land use is a permitted use under the nominated sectors of the new district.
- (b) All applications for reclassification of a zone in these areas with the exception of single family & two family zones shall be accompanied by a development plan for the property sought to be reclassified and shall be submitted to the Planning Board for approval, which development plan shall become a development control schedule to the specific by-law on approval and adoption.
- (c) The development plans shall incorporate all the information noted below to a suitable scale:
 - (i) The lot upon which the building is proposed to be erected; lot dimensions, lot and block numbers; and subdivision name, if any;
 - (ii) Location, dimensions and use of existing building or structure on the lot or lots.
 - (iii) The location, dimensions and proposed use of buildings or other structure in respect of which the permit is applied for.

- (iv) Front, rear and side yard widths; the proposed location of the required parking spaces and access driveway.
 - (v) North point and scale of the plan.
 - (vi) And a statement, signed by the owner or his agent duly authorized thereunto in writing, which shall set forth in detail the current and intended use of each building or other structure or part thereof and all the information necessary to determine whether or not every such building and structure conforms to the requirements of this By-law.
- (d) Planned Development District shall be established for the area covered by the Official Plan Amendment at the time the same is approved and adopted as a by-law.
- (3) The new District shall be sub-classified in six major sectors:
- (i) One and two family housing
 - (ii) Multiple Dwellings
 - (iii) Public and semi-public
 - (iv) Commercial
 - (v) Manufacturing
 - (vi) Transportation

However, only applicable sector shall be established in an area controlled under "Planned Development District".

- (f) When Planned Development District By-law comes into effect, the existing uses and buildings which are incompatible with the new sector category shall be deemed non-conforming.
- (h) On receipt of an application, the technical staff of the Planning Department, to be consistent with the purpose and intent of this District, shall examine the proposal with particular reference to the policies and maps embodied in the Official Plan Amendment, its consistency with these policies, and the manner in which it may or may not be expected to assist in the development or extension of a neighbourhood in accordance with the principles and objectives set forth therein. If it is found that the proposed plan is consistent with these policies and would assist in the comprehensive and systematic development of the area, the Department shall recommend approval of the said plan to the Board.

(12) Front, rear and side yard widths; the proposed location of the required parking spaces and access driveway.

(13) North point and scale of the plan.

(14) And a statement, signed by the owner or his agent duly authorized thereunto in writing, which shall set forth in detail the current and intended use of each building or other structure or part thereof and all the information necessary to determine whether or not every such building and structure conforms to the requirements of this By-law.

(b) Planned Development District shall be established for the area covered by the Official Plan Amendment at the time the same is approved and adopted as a by-law.

(2) The new District shall be sub-classified in six major sectors:

- (i) One and two family housing
- (ii) Multiple Dwellings
- (iii) Public and semi-public
- (iv) Commercial
- (v) Manufacturing
- (vi) Transportation

However, only applicable as controlled under "Planned

(1) When Planned Development the existing uses and buildings new sector category shall

(b) On receipt of an application Department, to be consistent District, shall examine to the policies and maps

ment, its consistency with these policies and maps in which it may or may not be expected to assist in the development or extension of a neighbourhood in accordance with the principles and objectives set forth therein. If it is found that the proposed plan is consistent with these policies and would assist in the comprehensive and systematic development of the area, the Department shall recommend approval of the said plan to the Board.

- (i) The conventional zoning category shall be established on the property on approval by the Council and subsequently by the Ontario Municipal Board before any building or structure is erected, altered, extended or enlarged or before any land, building or structure or part thereof can be used at which time the "Planned Development District" category will be lifted off the property in question.
- (j) Whenever all or any portion of any interim public use sector or interim transportation sector (refer Section 3) which do not cover any of the present zoning categories shall revert to or come into or be in private ownership, or be used for any purpose other than a public purpose, - at such time, the land and any buildings or other structures which are included within such interim sectors as aforementioned shall be subject to all regulations which apply within the zone immediately adjacent thereto or within the most restricted of the immediately adjacent zones, if there be more than one.
- (k) In certain areas where municipal services will not be available for some time, no rezoning applications shall be entertained until conditions are favourable for proper development

3. Classification, Definitions and Coverage of the Planned Development District Category

Sectors	Symbol	Definitions	Coverage of Conventional Zone
(a) Interim Low Density Housing	ih1	Predominant use of lands so nominated shall be for one and two family dwellings.	A, B, C, & D excluding any row dwellings.
(b) Interim Multiple Dwelling Housing	ih2	Predominant use of lands so nominated shall be for residential structures containing three or more family dwelling units that comprise attached housing and apartments.	DE, DE-2, DE-3, E, E-1, E-2, E-3 & I zones.

3. (continued)

Sectors	Symbol	Definitions	Coverage of Conventional Zones
(c) Interim Public and Semi-Public Use.	ip	Use of land so nominated shall be for civic, political, religious, educational, social or recreational purposes or for local or other governmental or other such public use, not including a liquor store or any commercial or other non-public purpose, and shall include a defence project, police station, fire station, waterworks, street alley, a school other than a commercial school, a church, public park, fairground, playground, bowling alley, tennis courts, public library, museum, art gallery, observatory, Community centre, cemetery, mausoleum or other such public use whether publicly operated or not, but shall not include a miniature golf course or other uses customarily carried on as a business, whether publicly operated or not.	
(d) Interim Business	ib	Predominant use of land so nominated shall be for buying and selling of goods and services and office functions.	G, G-1, G-2, G-3, G-4, H, HH, HI, and I zones.

3. (continued)

Sectors	Symbol	Definitions	Coverage of Conventional Zone
(e) Interim Manufacturing	im	The use of land so nominated shall be industry which is defined as including manufacturing, construction, extraction and processing of raw materials and goods, repairing and service operations, warehousing and storage of goods & wholesale enterprises.	J, JJ, J-3, K & KK zones
(f) Interim Transportation	it	The use of land so nominated shall be for transportation corridors, terminals, freight and passenger handling facilities and related storage, warehousing and parking areas.	

PLATE NO. 3

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK

DRAINAGE & OPEN SPACE

UTILITIES

- NEIGHBOURHOOD BOUNDARY
- ZONING

CITY OF HAMILTON
PLANNING DEPARTMENT

KENTLEY

PROPOSED PLAN

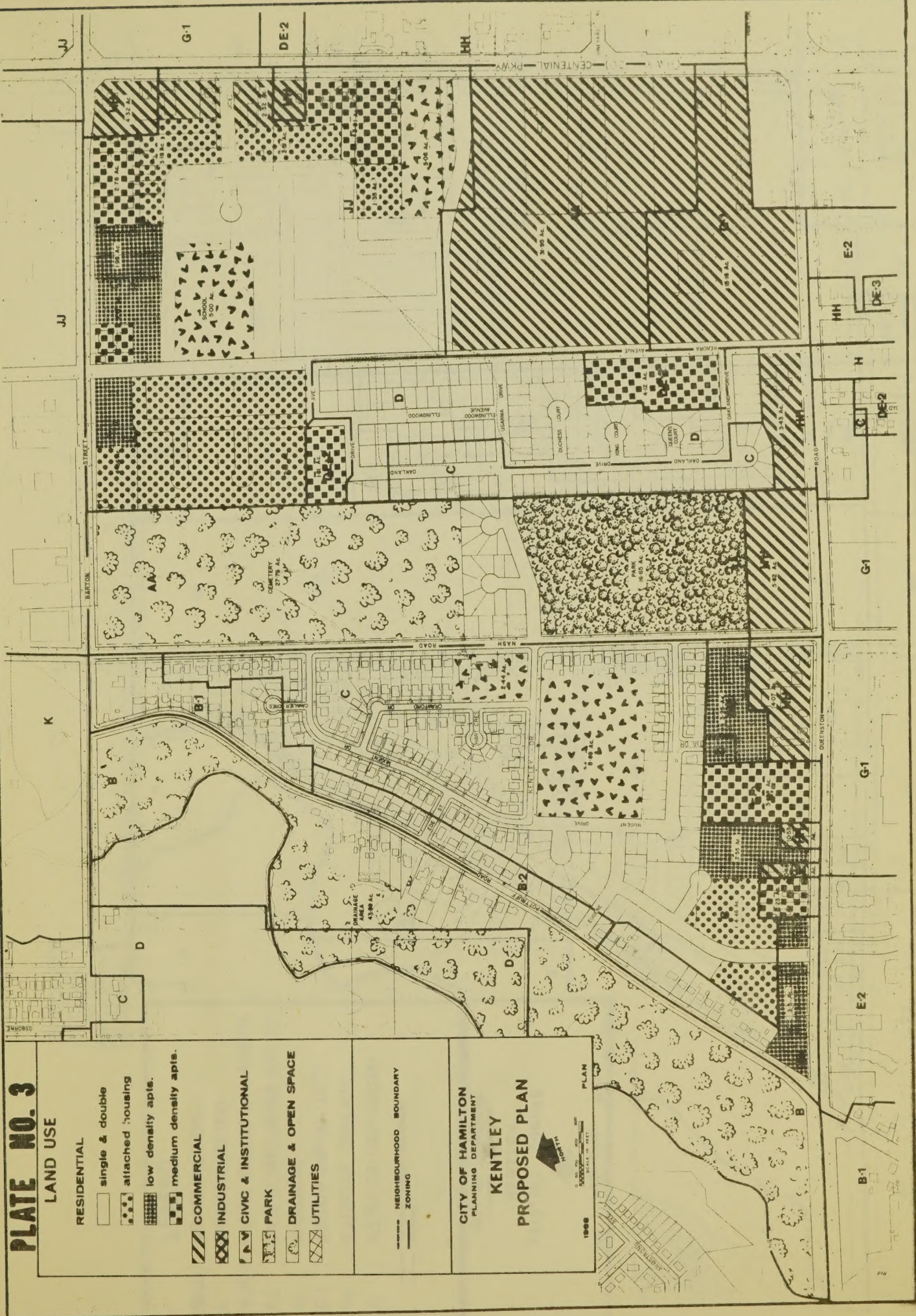
PLAN



SCALE IN FEET

1" = 100'

1988



LEGEND

- B1, B2, C. RESIDENTIAL (1 FAM.)
- D RESIDENTIAL (1&2 FAM.)
- DE, DE-2 MULTIPLE DWELLING (LOW DENSITY)
- E-2 MULTIPLE DWELLING (MED DENSITY)
- AA AGRICULTURAL
- G-1 DESIGNED SHOPPING CENTER
- HH RESTRICTED COMMERCIAL
- JJ RESTRICTED LIGHT INDUSTRY

NEIGHBOURHOOD BOUNDARY
ZONING

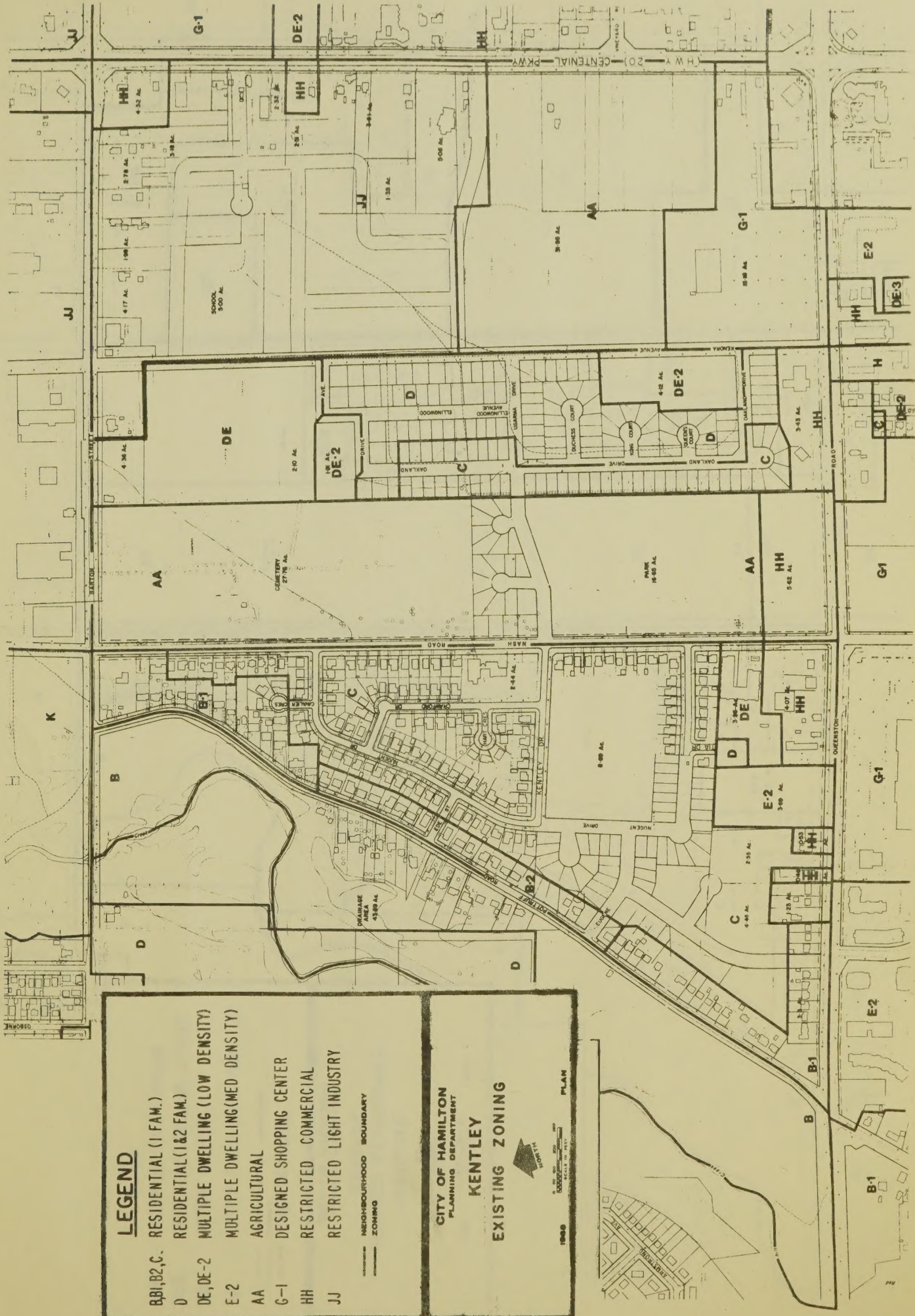
CITY OF HAMILTON
PLANNING DEPARTMENT

KENTLEY EXISTING ZONING

PLAN

1988

SCALE IN METERS
1:50,000



LEGEND

ih1
ih2
ib
ip

INTERIM LOW DENSITY HOUSING
INTERIM MULT. DWELLING HOUSING
INTERIM BUSINESS
INTERIM PUBLIC & SEMI-PUBLIC USE

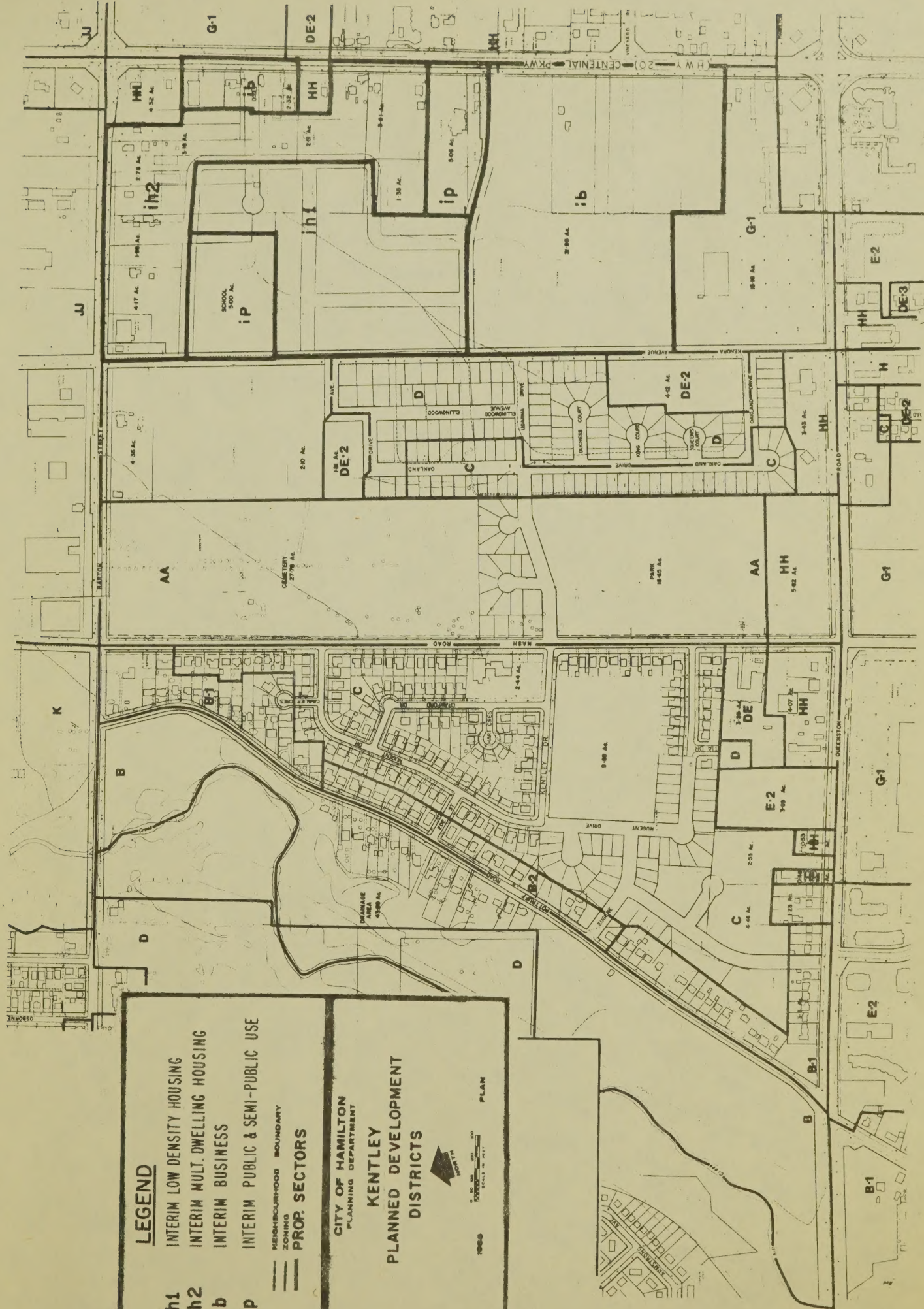
NEIGHBOURHOOD BOUNDARY
ZONING
PROP. SECTORS

CITY OF HAMILTON
PLANNING DEPARTMENT

KENTLEY
PLANNED DEVELOPMENT
DISTRICTS



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SCALE IN FEET
PLAN



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